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Note verbale dated 27 October 2004 from the Permanent Mission of Lithuania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith the national report of the Republic of Lithuania on the implementation of the resolution (see annex).

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Annex to the note verbale dated 27 October 2004 from the Permanent Mission of Lithuania to the United Nations addressed to the Chairman of the Committee

NATIONAL REPORT ON THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540 (2004) REPUBLIC OF LITHUANIA 20 OCTOBER 2004

With a view to fulfilling its obligations in relation to arms control and disarmament and in order to prevent proliferation of nuclear, chemical and biological weapons and their means of delivery, Lithuania enshrined its express strategic non-proliferation approach after the reinstatement of independence in 1990 – the Constitution of the Republic of Lithuania prohibits weapons of mass destruction on the territory of our country. Having acceded to all major international non-proliferation conventions and instruments, developed an effective system for export control and enacted proliferation prevention laws, Lithuania is actively seeking to prevent the threat of weapons of mass destruction (WMD) and the factors relating thereto.

EUROPEAN UNION AND COMMUNITY COMPETENCES

As Lithuania is a member of the European Union, reference is made to the EU Common Report that will be transmitted to the UN Security Council 1540 Special Committee separately. This Report covers the areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

INTERNATIONAL INSTRUMENTS

The EU Strategy for preventing the proliferation on weapons of mass destruction (WMD) approved by the European Council in December 2003 sets forth both joint and individual actions in the fight against the proliferation of nuclear, chemical and biological weapons.

Lithuania is a party to all non-proliferation treaties in the area of weapons of mass destruction: the 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, the Treaty on Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as well as the Comprehensive Nuclear Test Ban Treaty.

In the area of nuclear safety and nuclear waste, Lithuania has acceded to the Vienna Convention on Civil Liability for Nuclear Damage, the Vienna Convention on the Physical Protection of Nuclear Material, the Joint Protocol relating to the Vienna Convention on Civil Liability for Nuclear Damage and the Paris Convention on Third Part Liability in the Field of Nuclear Power, the Convention on Early Notification of a Nuclear Accident, the Convention on Nuclear Safety, the Joint Convention on the Safety of the Spent Fuel Management and on the Safety of Radioactive Waste Management, Protocol of amendment to the Vienna Convention on Civil Liability for Nuclear Damage.

Lithuania is a party to the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (Nairobi Convention).

Lithuania has also acceded to the 2003 International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

The international treaties, which are ratified by the Parliament of the Republic of Lithuania, form an integral part of the national legal system.

Lithuania has also joined the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC).

Reporting

The complete elimination of nuclear weapons as affirmed in the Final Documents of the 1995 and 2000 Review Conferences of the Treaty on Non-Proliferation of Nuclear Weapons has been Lithuania's objective. Accountability, transparency, irreversibility and confidence building are fundamental principles that constitute an indispensable framework within which to further the implementation of Article VI. Lithuania has submitted two reports, in 2003 and 2004, on the implementation of its obligations under the NPT, and will submit its Article VI report to the 2005 Review Conference.

Lithuania annually submits its declaration to the Organisation for the Prohibition of Chemical Weapons (OPCW) and transparency reports regarding the implementation of the Biological and Toxic Weapons Convention.

Lithuania submitted to the UN Counter-Terrorism Committee three reports according to UN Security Council Resolution 1373 (2001); the last report was made in 2003. The fourth report is underway. In addition, one report has been submitted according to UN Security Council Resolution 1455 (2003) on sanctions against the Al-Qaida organisation and the Taliban. This report was submitted in 2004.

Export control regimes

Furthering its commitment to sound export controls and prevention of proliferation in all its aspects of nuclear, chemical and biological weapons, Lithuania submitted its membership applications to all major export control regimes in 2003. In 2004, Lithuania joined the Nuclear Suppliers Group (NSG) and the Australia Group. Membership applications to the Missile Technology Control Regime (MTCR) and the Wassenaar Arrangement are pending a decision by members of these regimes.

OTHER INSTRUMENTS AND INITIATIVES

Lithuania agreed to the aims of the Proliferation Security Initiative (PSI) and, on 17 May 2004, upheld the public EU statement in support of the PSI. The PSI may be an effective means to tackle illicit trafficking in weapons of mass destruction and their means of delivery in accordance with the national legislation and respective provisions of the international law.

In 2003, Lithuania concluded the agreement between the Republic of Lithuania and the United States of America Concerning Cooperation in the Area of the Prevention of Proliferation of WMD, and the Promotion of Defence and Military Relations.

In 2001, the European Commission and the State Nuclear Power Safety Inspectorate (VATESI) signed an agreement on assistance in the prevention of illegal trafficking of nuclear materials. The main aim is to establish integrated and approved procedures to be applied in case of seizure of nuclear substances.

In 2002, VATESI and the Swedish Nuclear Power Inspectorate (SKI) signed the agreement on carrying out the survey on Lithuania's Nuclear Past. In 2003, the survey on the development of Lithuanian science in the area of nuclear physics, the history of the Ignalina Nuclear Power Plant (INPP) and nuclear weapons deployed in Lithuania during Soviet times was completed. In 2004, SKI and VATESI entered into a Cooperation Agreement, which provided for the exchange of information and co-operation in the areas of nuclear safety, radioactive waste management and nuclear non-proliferation.

LEGISLATIVE, EXECUTIVE AND ENFORCEMENT ACTIONS

The laws adopted and the legislative, administrative and criminal measures implemented in Lithuania allow for effective implementation of export control and preventive activities for prohibiting the trafficking, carriage and storage of illicit and prohibited goods. New wording of the Law on the Export, Import and Transit Control of Strategic Goods as well as the Law on Economic and Other International Sanctions were adopted in 2004.

The Law Amending the Law on the Export, Import and Transit Control of Strategic Goods stipulates that the Ministry of Economy shall be in charge of the control of export of dual-use items and technology and of export, import and transit of military equipment and mediation related thereto and shall exercise the control in conjunction with other State institutions. In order to implement this Law and secondary legislation, a Commission to deal with the issues of export, import and transit of strategic goods and mediation related thereto has been formed.

The control and prevention of illicit circulation of strategic goods which can be used in developing WMD, as well as non-proliferation items, not included on the list of controlled goods, which can be used for terrorist attacks, is one of the priority fields in the combat of terrorism. The State Security Department (hereinafter, SSD) coordinates the work of the Inter-institutional Coordination Commission against Terrorism which was set up in 2002. The Commission sets forth the main directions for the combat and prevention of terrorism. The Programme for the Combat of Terrorism has been prepared since July 2004.

The SSD is also in charge of coordinating the activities between law enforcement and other institutions responsible for the illicit circulation control and prevention of strategic goods and non-proliferation items.

The SSD compiles, analyses, checks, uses or forwards to other law enforcement or state authorities the information relating to strategic goods and non-proliferation items in illicit circulation. Information exchange relations with other foreign special services are maintained in the fight against terrorism, implementation of prevention and control over the illicit circulation of strategic goods.

The State Boarder Guard Service under the Ministry of the Interior of the Republic of Lithuania performs radiation checks of persons, vehicles and freight entering and leaving the country.

The Police Department is in charge of the prevention of crimes relating to nuclear or radioactive substances. The PD cooperates with Europol and Interpol in this area.

The team for antiterrorist operations ARAS of the Lithuanian police is a specialised police institution, which has the right to carry out special operations within the country and has preparedness for operations in which dangerous materials can be intercepted.

COMPLIANCE

In the field of control of nuclear substances, the International Atomic Energy Agency (IAEA) conducts the safeguard inspections in the Ignalina NPP, the spent nuclear fuel dry storage and the Institute of Physics. Following the Additional Protocol, the IAEA completed complementary access inspections in the Ignalina NPP and the Institute of Physics.

In 1999, a mission of the International Physical Protection Advisory Service (IPPAS) was conducted in Lithuania. A follow-up mission took place in 2002.

Since Lithuania's accession into the European Union on 1 May 2004, the inspections under the Euratom safeguards have been carried out by European Commission inspectors.

The international inspection of the OPCW visited Lithuania in September 2000. The Lithuanian chemical industry does not produce any scheduled chemical substances or their precursors specified in the Annex to the Chemical Weapons Convention. The inspection was carried out in the enterprise which produces specific organic chemical substances (fertilizers) and found that the Lithuanian declarations submitted on this entity complied with the inspection results.

COMMENTS IN RELATION TO THE SPECIFIC ISSUES RAISED BY UNSCR1540

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Constitution of the Republic of Lithuania prohibits weapons of mass destruction on the territory of Lithuania. Lithuania does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under Lithuanian legislation.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Action taken:

National legislation

- The Law on the Basics of National Security of 1996 states the Non-Proliferation Treaty on Nuclear Weapons to be one of the four fundamental provisions ensuring national security.
- The Law on Environmental Protection of 1992 prohibits the production, stationing, transit and importation of nuclear weapons, the production of radioactive matter used for the production nuclear weapons or for fuel elements of nuclear power plants and the reprocessing of spent nuclear fuel in Lithuania.

- The Law on Klaipėda National Port of 1996 prohibits the ships with nuclear plants and nuclear weapons from entering the port.
- With a view to implementing the 1993 Chemical Weapons Convention, the 1998 Law on the Prohibition of Chemical Weapons prohibits development, production, acquisition, possession, stockpiling, use or retention of chemical weapons and sets forth conditions for import, export, and transfer of scheduled chemicals listed in the Annex on Chemicals to the Chemical Weapons Convention. The Law requires both legal and natural persons to provide the Ministry of Economy with information on transactions involving scheduled chemicals or their precursors. Secondary legislation prescribes the procedure and conditions for the production, acquisition, import into and export from the territory of the Republic of Lithuania of controlled toxic chemicals and their precursors, as well as the procedure for submitting information on such substances to the Ministry of Economy.
- The Law on Nuclear Energy of 1996 ensures nuclear safety and prevents any illegal disposition of nuclear materials, including nuclear fuel and nuclear waste.
- The Law on the Management of Radioactive Waste of 1999 established the grounds for managing radioactive waste.
- The Law on Radiation Protection of 1999 sets forth the legal basis allowing to protect people and the environment from the harmful effects of ionising radiation. It is prohibited to produce, operate, market, store, assemble, maintain, repair, recycle, and transport sources of ionising radiation and to handle (collect, sort, treat, keep, recycle, transport, store and decontaminate) radioactive waste without a licence. A licence is required for these activities.
- The 1994 Governmental Resolution No. 938 on Approval of Regulations of Transportation of Dangerous and Military Goods of Foreign States across the Territory of the Republic of Lithuania prohibits the transportation of weapons of mass destruction (nuclear, chemical and biological) and their components across the territory and the airspace of the Republic of Lithuania.
- The Law on the State Border and the Protection Thereof of 2000 prohibits any transportation of nuclear or any other weapons of mass destruction across the national borders.
- The Aviation Law prohibits the use and carriage of weapons of mass destruction and also dangerous goods and substances in the airspace of the Republic of Lithuania.
- The Law Amending the Law on the Export, Import and Transit Control of Strategic Goods, dated 1 May 2004. Following this Law and EU Council Regulation (EC) 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology, persons willing to export dual-use items or export and import military equipment and well as transport them by transit across the territory of the Republic of Lithuania must have a licence. In accordance with the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering, the Law also defines the conditions for the control of brokering (mediation).

While implementing the Anti-Terrorism Programme of the Republic of Lithuania, the system for preventing the financing of terrorism was developed and its basic elements are prescribed by the following legal acts:

- In accordance with the requirements of the Convention on the Combat of Terrorism, the 2003 Criminal Code was supplemented by the provisions regulating criminal liability for financing a terrorist group (Art. 250, p. 5-6 of the CC).
- The Law on the Prevention of Money Laundering of 25 November 2003 defines the financing of terrorism and stipulates the functions of the State Security Department in implementing the measures for prevention of financing terrorism.
- The Law on the Prevention of Money Laundering also sets forth the procedure for freezing funds. The Financial Crime Investigation Service has the right to request that financial institutions and other entities suspend suspicious financial transactions for up to 48 hours.

- If identity data of a client, his/her representative or entity on behalf whereof the financial transaction is carried out correspond to the data of persons relating to terrorist activities as indicated in the lists submitted by competent institutions of foreign states and international organisations, such a financial transaction is considered as suspicious.

Prosecution

The Criminal Code of the Republic of Lithuania (the CC) provides criminal liability for unlawful actions relating to weapons of mass destruction or materials used for the production thereof. Two criminal proceedings for unlawfully acquired and stored radioactive substances were instituted in Lithuania in 2000 – 2003. After the coming into force of new laws on 1 May 2003, there were no pre-trial investigations commenced by the territorial police institutions regarding unlawful acquisition, storage or use of radioactive substances, violations of the regulations on lawful disposition of radioactive substances or for the smuggling of radioactive substances.

- The CC imposes criminal liability on persons who order or carry out a military attack prohibited under international humanitarian law using weapons of mass destruction (Art. 111, p. 2 of the CC – imprisonment for a term of 10 to 20 years or life imprisonment) and on persons who disseminate radioactive, biological or chemical noxious substances, preparations or micro organisms (Art. 250, p. 1 of the CC – imprisonment for a term of 5 to 15 years).
- Art. 199 of the CC sets forth that smuggling of firearms, ammunition, explosives, explosive, radioactive or other strategic goods shall bear a maximum sentence of imprisonment of 3 to 10 years.
- Art. 256 of the CC provides imprisonment of up to 4 years to any person who steals or otherwise acquires, stores, uses or alters in an illegal manner ionising radiation sources, radioactive or nuclear material, whatever their form or physical condition. In case of aggravating circumstances, imprisonment of up to 10 years is provided.
- Art. 257 of the CC prescribes a maximum sentence of imprisonment of up to three years to any person who violates regulations regarding the storage, use or transportation of ionising radiation sources, radioactive or nuclear material and thereby may cause grave consequences.
- Art. 267, p. 2 of the CC reads that any person who produces, acquires, stores, transports or sells poisonous chemical substances used as chemical weapons, or chemical substances or their precursors for the production of chemical weapons or for other prohibited purposes specified in the Law on the Prohibition of Chemical Weapons may be imposed a maximum sentence, i. e. imprisonment of up to 5 years.
- A prohibition to produce, refine or transport biological weapons or the substances used in the production thereof is not explicitly covered in the Lithuanian criminal laws. At present, the storage or transportation of biological weapons would be qualified as preparation to use weapons of mass destruction (Art. 21 and Art. 111, p. 2 of the CC) or as preparation for a terrorist act (Art. 21 and Art. 250, p. 3 of the CC), or as aiding to prepare or commit the above-mentioned crimes (Art. 24, p. of the CC), or this would not incur any criminal liability at all.
- Persons are liable for any unlawful use of radioactive, toxic or powerful substances, including chemical substances, under the Criminal Code of the Republic of Lithuania, regardless of their nationality, place of residence, the place where the crime was committed or the punishability of the committed act under the laws of the place where the act was committed (Art. 7 of the CC).

Code of Administrative Offences (CAO):

- Art. 51^{5} of the CAO prescribes a maximum fine of 4,000 Litas for polluting the environment with radioactive substances.
- Art. $189^{(9)}$ of the 1998 Code of Administrative Offences of the Republic of Lithuania provides that import, export and transit of strategic goods and technologies without a license incurs a fine of 5,000 to 10,000 Litas.
- Art. 84, p. 1 of the CAO sets forth liability for violations of the requirements of management of chemical substances and preparations.

Planned action:

- Currently, the Ministry of Justice is working on the draft law designated to improve the CC provisions relating to the international law requirements in the field of non-proliferation of weapons of mass destruction, in particular, the prohibition to produce, refine, store or transport bacteriological weapons or the substances used in the production thereof.
- While implementing the Law on the Export, Import and Transit Control of Strategic Goods, it is intended to supplement the Criminal Code and the Code of Administrative Offences by legal provisions imposing liability on legal entities and natural persons for failing to obtain a mediation licence and liability for violations of the regulations of licensing or control of export, import, transit of strategic goods and mediation related thereto.
- A new draft of the Plan for Civil Safety Readiness of the Police for Emergency Situations is underway. The Plan lays down actions of the police in case of terrorist acts and in case weapons of mass destruction (nuclear and radioactive substances, dangerous bacteriological substances and toxic combat substances), explosives and explosive substances have been used.

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a)Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken:

Nuclear facilities and nuclear material in Lithuania were placed under the comprehensive IAEA safeguards shortly after Lithuania acceded to the Nuclear Non-proliferation Treaty. An agreement between the Government of Lithuania and the IAEA for the application of safeguards in connection with the Treaty on the Non-proliferation of Nuclear Weapons was signed in October 1992. On 21 March 2000, Lithuania ratified the Protocol to the Safeguards Agreement (Additional Protocol) that entered into force on 5 July 2000.

In October 1997, Lithuania signed a multilateral memorandum on technical cooperation with the IAEA on preparedness for nuclear emergencies.

Since the accession of Lithuania into the EU, the accounting and control of nuclear materials has been regulated by the Commission Regulation on the Application of Euratom Safeguards. Lithuania is subject to the IAEA and Euratom safeguards. The role of the State System of Accounting for and Control of Nuclear Materials (SSAC) is carried out by VATESI. The system of accounting of nuclear

materials is maintained and Nuclear Inventory Change Reports are submitted to the IAEA and the European Commission.

Lithuania has been implementing the provisions of the Additional Protocol for 4 years now and the IAEA noted in the Safeguards Implementation Report for 2003 that the Agency found no indication of diversion of nuclear material or of undeclared nuclear material and activities.

All sources of ionising radiation and radioactive substances imported and stored in Lithuania as well as exported from Lithuania are recorded on the accounting system that is maintained by the Radiation Protection Centre. Information is collected, accumulated, systemised and analysed in the State Register of Sources of Ionising Radiation and Exposure of Workers.

Chemicals and precursors included in Schedules 2 and 3 of the Chemical Weapons Convention are not produced in Lithuania. A national licensing system for use of chemicals included in the Schedules of the Chemical Weapons Convention is established and a report on the use of these chemicals and precursors is submitted on a yearly basis to the OPCW.

In accordance with the 1996 Law of the Republic of Lithuania on Nuclear Energy, the Ministry of National Defence ensures the guarding of the transportation of nuclear and radioactive materials across the territory of the country.

Planned action:

- In the area of implementing the safeguards, Lithuania aims at implementing the IAEA Integrated Safeguards in the country. A positive evaluation in the IAEA Report for 2003 allows for the expectation of application of Integrated Safeguards in the near future.
- A bilateral agreement with the IAEA and the Additional Protocol are currently in force in Lithuania. With accession into the European Union, plans are to shift to three-lateral agreements between Lithuania, the European Union and the IAEA. A preparatory legal and technical work for this process is going on.
- In order to carry out the control over possible illicit circulation of strategic goods, it is envisaged to create a database of economic entities and natural persons who have such goods in their disposition, are involved in their transportation and are active in this area outside the European Union.

(b)Develop and maintain appropriate effective physical protection measures;

Action taken:

In 2002, the Resolution of the Government of the Republic of Lithuania approved the Physical Protection Regulations of the Ignalina NPP, which provide for the physical safety measures of the power plant. While exercising control over physical protection at the Ignalina NPP, the State Nuclear Energy Agency (VATESI) conducts inspections to check the compliance of the physical protection system with the requirements of the documents regulating such protection.

In 1999, a mission of the International Physical Protection Advisory Service (IPPAS) was conducted in Lithuania; a follow-up mission took place in 2002. The Missions assessed the organisation of the physical protection system at the national level as well as the implementation of physical protection at the Ignalina NPP.

Since Lithuania's accession into the European Union on 1 May 2004, the inspections under the Euratom safeguards have been carried out by European Commission inspectors.

With the assistance of the International Atomic Energy Agency and other organisations, Lithuania has taken the necessary measures to improve the national physical protection system of radioactive materials. Improvements in the physical protection system of high activity sealed radioactive sources in five Lithuanian personal health care institutions of an oncological profile have been made. The physical protection system in the Maišiagala repository was modernised. In 2004, with the assistance of the US, an investigation of orphan sources was conducted in those former industrial and military enterprises of the Soviet Union which used radioactive sources in their operations.

With a view to implementing the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, appropriate changes were made in the legislative framework which regulates the requirements for the physical protection and safety of such sources.

The Radiation Protection Centre (RPC) actively cooperates with the European Commission in improving laboratory tests of radioactive and nuclear materials. In 2002, the RPC acquired software for analysing uranium and plutonium test samples. The software was used to analyse enrichment in uranium pallets. The U.S. has provided equipment designated to identify illicit radioactive and nuclear materials.

Planned action:

The Regulations for Physical Protection in Nuclear Power Facilities issued by VATESI in 1996 are currently being revised and updated. They will be supplemented by the IAEA recommendations for Physical Protection of Nuclear Material and Nuclear Facilities INFCIRC/225/Rev.4.

(c)Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Action taken:

Since Lithuania's accession to the EU on 1 May 2004, the actions of customs offices in apprehending and inspecting transported goods have been regulated by Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code and Commission regulation No. 2454 laying down provisions for the implementation of the Customs Code.

VATESI submits notifications to the IAEA Illicit Trafficking Database.

In accordance with the Government of the Republic of Lithuania Resolution No. 938 On Approval of Regulations of Transportation of Dangerous and Military Goods of Foreign States across the Territory of the Republic of Lithuania, dated 3 October 1994, officials authorised by the Minister of National Defence conduct thorough check-ups of goods under the procedure prescribed by the Minister of National Defence. When there are reasonable suspicions, these officials have the right to suspend the transportation.

The State Boarder Guard Service checks, on the basis of this Resolution, permits to foreign states issued by the Movement Control Centre of the Ministry of National Defence of the Republic of Lithuania to transport across the territory of the Republic of Lithuania dangerous and military goods, unarmed military and civil employees, documents (of vehicles and transported goods) of military and civil employees of foreign state armed forces, and familiarises them with the Recommendations for Travelling by Transit Across the Territory of the Republic of Lithuania which says that transportation of

weapons of mass destruction (nuclear, chemical, biological), as well as their components across the territory and the airspace of the Republic of Lithuania is prohibited.

The Government of the Republic of Lithuania has 17 agreements with the governments of other states on mutual assistance in customs matters. These agreements are concluded in accordance with the Recommendation on Administrative Mutual Assistance of 5 December 1993 issued by the Customs Cooperation Council.

The Lithuanian Customs Office has 13 inter-institutional agreements on mutual assistance in customs matters, including information exchange.

The 2000 Agreement between the Latvian, Lithuanian and Estonian Criminal Police Bodies provides for the exchange of information on persons of interest to the parties, on the smuggling of weapons and explosives and other offences.

The Police Department under the Ministry of the Interior (PD) has bilateral agreements on cooperation in the fight against illegally trafficking drugs, weapons, circulation of toxic or radioactive substances, organised crime and smuggling with the respective departments of Belarus, Spain and the Kaliningrad area of the Russian Federation.

Mediation licences are mandatory for legal entities resident or registered in the Republic of Lithuania for negotiations conducted or arrangement of transactions during which the goods included in the Common List of Military Equipment can be transferred outside the territory of the Republic of Lithuania, the territory of another Member State of the European Union or a non-Member state to any other non-Member state.

(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Action taken:

- The new Law on the Control of Strategic Goods came into force on 1 May 2004. The Law prescribes the conditions of control of export, import and transit of military equipment and of mediation related thereto as well as of activities that may contribute to the proliferation of weapons of mass destruction and conventional arms. Licences are required for the export, import and transit of goods entered on the Common List of Military Equipment as well as for mediation related thereto. Export of goods not included in the Common List of Military Equipment is also subject to a licence for export where the importing country or the country of end-use is under an arms embargo or when such goods may be intended for use in the production of the goods included in the Common List of Military Equipment or the production of test or analytical equipment used for the development, production and maintenance of the goods in question.
- Lithuania relies on the criteria of the EU Code of Conduct on Arms Exports of 1998 when ensuring the control of weaponry.
- The Republic of Lithuania Government Resolution of 22 July 2004 No. 932 on the Approval of Regulations for Licensing Export, Import, Transit and Brokerage of Strategic Goods and on Regulations for Enforcing the Control of Strategic Goods. The Resolution approved the regulations

for issuing licences for the export of dual-use items and technologies; the regulations for issuing licences for the export, import, transit and brokerage of military equipment goods; the regulations for enforcing the control of such goods; designated state authorities and institutions in charge of the control over strategic goods; and set up the Commission to deal with the licensing of export, import and transit of strategic goods and mediations related thereto.

- The Government of the Republic of Lithuania Resolution No. 938 on Approval of Regulations of Transportation of Dangerous and Military Goods of Foreign States across the Territory of the Republic of Lithuania. Officials authorised by the Minister of National Defence conduct thorough checks of goods under the procedure prescribed by the Minister of National Defence.
- Documents required in order to obtain a licence for exporting military equipment include an import certificate issued by public authorities in charge of the control over military equipment in the importing country or by any other competent institution of the exporting country or a document of end-use, attesting to the end-use of such military equipment.

Criminal and civil penalties

- Art. 199, p. 2 of the Criminal Code states that any person who carries firearms, ammunition, explosives, explosive or radioactive substances, or other strategic, goods or poisonous, controlled, narcotic or psychotropic substances or precursors of narcotic or psychotropic substances across the state border of the Republic of Lithuania without declaring them at customs or by evading customs inspection in some other way, or without a permit, shall be punished by imprisonment for a term of 3 to 10 years.
- Art. $189^{(9)}$ p. 1 of the Code of Administrative Offences currently in force (hereinafter – the CAO) establishes administrative responsibility for the import, transit or export of strategic goods without an appropriate licence (a fine up to 10,000 Litas) and for violations of the procedure of strategic goods control (a fine up to 1,000 Litas).

Planned action:

- The new recently adopted Law on the Control of Strategic Goods prescribes a requirement to have a licence for mediation. The Seimas (Parliament) of the Republic of Lithuania is to consider the draft law on supplementing the Criminal Code by Article 253^{1}, which provides that any person involved in mediation activities regarding the transfer of military equipment into a non-EU state without a permit may be imposed a sentence of imprisonment of up to 3 years.
- A draft law amending Article $189^{(9)}$ of the Code of Administrative Offences is submitted to the Seimas of the Republic of Lithuania. The draft law provides for administrative responsibility for violations of the licensing requirements of the export, import, transport of or mediation in relation to strategic goods or of the control enforcement regulations (a fine up to 2,000 Litas).

Operative Paragraph 5

Decided that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxic Weapons Convention to alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

Lithuania is a contracting party to all the above-mentioned non-proliferation and disarmament treaties and an active member of the IAEA and OPCW. It actively participates in the NPT Review process and BTWC annual meetings.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Action taken:

The Lithuanian Government or its authorised institution draws up and approves the Common List of Military Equipment in accordance with the EU Common List of Military Equipment, international non-proliferation lists and the interests of foreign policy and national security of the Republic of Lithuania. Control of Dual-Use Items is carried out in accordance with the index of dual-use items and technologies contained in Annex I and Annex IV of Council Regulation 1334/2000 as last amended by Council Regulation (EC) 1504/2004 of 19 July 2004.

Lithuania is a member of the Nuclear Suppliers Group and the Australia Group and seeks membership in the Missile Technology Control Regime and the Wassenaar Arrangement.

Planned action:

The Common List of Military Equipment was updated in October 2004. The List will be updated after Lithuania joins all informal export control regimes.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The legal and administrative framework as currently in force in Lithuania ensures effective control of the export and transit of dual-use and military items. However, in order to prevent unlawful transportation of weapons of mass destruction and non-proliferation goods across the borders of the Republic of Lithuania and to ensure prompt and effective radiation checks of persons, vehicles and transported goods, border control points must be equipped with individual civil safety devices, chemical investigation equipment, additional radiation meters, radioactive materials detectors, units identifying radioactive materials, search equipment for radioactive materials, and install in-built detection systems of nuclear and radioactive materials.

Agreement between the Government of the Republic of Lithuania and the Government of the United States of America Concerning Cooperation in the Area of the Prevention of Proliferation of Weapons of Mass Destruction and the Promotion of Defence and Military Relations allows the Government of the U.S. to help, if necessary, the Lithuanian Government to prevent any unlicensed proliferation, including by means of transit, of WMD and related technologies, know-how and materials related to such weapons.

Lithuania is prepared and willing to provide expert assistance in developing the legal framework and infrastructure, detecting and assessing radioactive and nuclear materials, analysing such substances and training experts of other countries.

Operative Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Action taken:

Lithuania seeks to implement the EU Common Position on the universalisation of the main multilateral non-proliferation agreements, adopted in November 2003. It also supports the EU policy of making Additional protocol as a condition of supply.

Lithuania takes part in BTWC meetings and supports the Work Programme adopted in 2003. Effective BTWC verification provisions would strengthen trust in the prohibition regime of biological and toxic weapons.

(b)To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Action taken:

- Law on the Basics of National Security, 1996;
- Law on the Prohibition of Chemical Weapons, 1998;
- Law on the Ratification of the Comprehensive Nuclear Test Ban Treaty, 1999;
- Law Amending the Law on the Export, Import and Transit Control of Strategic Goods, 2004;
- Criminal Code, 2003.

Planned action:

We believe that Lithuania is already fully compliant with our commitments under the key multilateral non-proliferation and disarmament treaties.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Action taken:

- Lithuania has been actively engaged in activities of an informal group of countries chaired by Japan, so-called Friends of the Additional Protocol.
- Lithuania, in cooperation with the IAEA, organised a meeting on the implementation issues of the safeguards and the Additional Protocol in the Baltic countries.

(d)To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken:

Company representatives and the public may find the information on all laws and secondary legislation on the websites of respective ministries and agencies. Law and resolutions are published in the Official Gazette Valstybės Žinios.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

In promoting non-proliferation dialogue and cooperation, Lithuania is governed by the EU Strategy Against the Proliferation of Weapons of Mass Destruction.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken:

- Lithuania agreed to the aims of the Proliferation Security Initiative (PSI) and on 17 May 2004, upheld the public EU statement in support of the PSI. Lithuanian representatives took part in the PSI exercise in Germany, Italy and Poland as well in the annual PSI meeting in Cracow in May 2004.
- Lithuania has developed a reliable system of the protection of national borders. Units of the State Boarder Guard Service have 365 ionising radiation meters, including 24 fixed detection systems. There are eight systems designated to detect only radioactive materials installed at the outside border of the European Union.
- The border control point at the Vilnius International Airport has 16 systems, which detect nuclear and radioactive materials.
- In cooperation with the U.S. Department of Defence and the Federal Bureau of Investigation, and organised together with the U.S. Defence Threat Reduction Agency, the Counterproliferation Awareness Course was held in Lithuania in 2004.
- In cooperation with the Livermore National Laboratory of the University of California, a training course for customs and state border control officials on identification of dual use items and technologies, that can be used for developing of MDW, was held in Lithuania in 2004.

Planned action:

- A security project at the Klaipėda port to upgrade security measures is being developed with the funding provided by the U.S. Trade and Development Agency.